

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ANTHONY FINLEY,

Petitioner,

Case No. 3:13-cv-00062-MMD-VPC

ORDER

v.

GRED SMITH, et al.,

Respondents.

14 Petitioner Anthony Finley has filed an application to proceed *in forma pauperis*
15 and submitted a petition for a writ of habeas corpus. The motion for leave to proceed in
16 *forma pauperis* (dkt. no. 1) is incomplete in that it fails to include the financial certificate
17 signed by the proper prison authority that is required for individuals proceeding pro se.
18 Petitioner shall be sent the correct form and given an opportunity to file a corrected
19 motion. Accordingly, petitioner shall be given leave to proceed *in forma pauperis* on a
20 temporary basis. The petition shall be retained unfiled and it shall not be served on the
21 named respondents at this time.

22 The Court further notes that the petition submitted by petitioner omits several
23 crucial pieces of information that are pertinent to the Court's initial review, such as the
24 date the judgment of conviction was entered and the date the Motion to Correct an
25 Illegal Sentence was filed. Neither has petitioner provided the Court with copies of the
26 state courts' written decisions regarding his conviction as required by the petition form
27 and instructions. See page 1, last line. Petitioner shall be required to amend his
28 petition to provide this missing information.

1 IT IS THEREFORE ORDERED that the motion for leave to proceed *in forma*
2 *pauperis* (dkt. no. 1) is GRANTED on a temporary basis. The Clerk shall send to
3 petitioner another application to proceed *in forma pauperis* form and instructions
4 therefor. Petitioner shall have thirty (30) days from the date on which this order is
5 entered to either pay the required \$5.00 filing fee, or file a new, fully completed
6 application to proceed *in forma pauperis*, including a completed financial certificate from
7 inmate services.

8 IT IS FURTHER ORDERED that the Clerk shall send to petitioner a copy of the
9 form and instructions for filing a habeas corpus petition pursuant to 28 U.S.C. § 2254.
10 Petitioner shall have thirty (30) days from the date on which this order is entered to
11 submit his amended petition, which must include the dates requested and copies of the
12 state court orders or an explanation as to why that information has been omitted. The
13 failure to timely do as directed in this order may result in the dismissal of this action. The
14 Clerk shall retain the petition but not file it at this time.

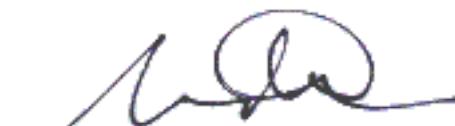
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DATED THIS 13th day of February 2013.

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MIRANDA M. DU
UNITED STATES DISTRICT JUDGE

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